

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

REFCO INC., et al.,

Debtors.

Chapter 11

Case No. 05-60006 (RDD)
(Jointly Administered)

MARC S. KIRSCHNER,
as Trustee of the Refco Litigation Trust,

Plaintiff,

- against -

Adv. Pro. No. 07-03060 (RDD)

JOHN D. AGOGLIA, PHILLIP R. BENNETT,
THE TRUSTEE(S) OF THE PHILLIP R.
BENNETT THREE YEAR ANNUITY
TRUST, EDWIN L. COX, SUKHMEET
“MICKY” DHILLON, THE TRUSTEE(S) OF
THE JASDEEP DHILLON TRUSTEE MSD
FAMILY TRUST, THOMAS H. DITTMER,
THE TRUSTEE(S) OF THE DITTMER
TRUST, STEPHEN GRADY, TONE N.
GRANT, ERIC LIPOFF, SANTO MAGGIO,
PETER McCARTHY, JOSEPH MURPHY,
FRANK MUTTERER, WILLIAM SEXTON,
ROBERT TROSTEN, MEMPHIS
HOLDINGS LLC, MLC FIRST CAYMAN
LTD., REFCO GROUP HOLDINGS INC.,
and JOHN DOES 1 THROUGH 10.

Defendants.

**NOTICE OF DISMISSAL OF CLAIMS ASSERTED
AGAINST PETER McCARTHY**

WHEREAS, on October 15, 2007, Plaintiff Marc S. Kirschner, as the
Court-approved Trustee for the Refco Litigation Trust, (the “Trustee”) filed a complaint
(the “Complaint”) asserting claims against, among others, Peter McCarthy (“McCarthy”);
and

WHEREAS, on October 25, 2007, McCarthy was properly served with the Complaint; and

WHEREAS, McCarthy has neither answered nor filed a motion for summary judgment against the Complaint.

NOW, THEREFORE, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), as incorporated by Fed. R. Bankr. P. 7041, the Trustee voluntarily dismisses with prejudice all claims asserted against McCarthy in the Complaint.

MILBANK, TWEED, HADLEY &
McCLOY LLP

By: /s/ Dennis C. O'Donnell
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Dated: December 7, 2010

*Counsel for Plaintiff Marc S. Kirschner,
as Trustee for the Refco Litigation Trust*